

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adip Vora	Team: Squad #1	CCRB Case #: 202207428	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input type="checkbox"/> Injury
Incident Date(s) Saturday 04/23/2022 11:30 PM Wednesday 10/19/2022 11:00 AM	18 Mo. SOL 10-23-2023 04-19-2024	EO SOL 10-23-2023 04-19-2024	Location of Incident: Southeast corner Lexington Avenue and East 110th Street; 100 Centre Street		Precinct: 23
Date/Time CV Reported Tue, 11/01/2022 4:13 PM	CV Reported At: CCRB	How CV Reported: E-mail	Date/Time Received at CCRB Tue, 11/01/2022 4:13 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	[REDACTED]	[REDACTED]
2. [REDACTED]	[REDACTED]	[REDACTED]
3. [REDACTED]	[REDACTED]	§ 87(2)(b) [REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. PO Daniel Boylan	13957	959503	PBMN SU
2. PO Shahzeb Ahmed	26865	964865	PBMN SU
3. PO Wilfredo Burgos	13254	953710	PBMN SU

Officer(s)	Allegation	Investigator Recommendation
A . PO Daniel Boylan	Abuse of Authority: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan stopped [REDACTED]	A . § 87(2)(g) [REDACTED]
B . PO Daniel Boylan	Abuse of Authority: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan frisked [REDACTED]	B . § 87(2)(g) [REDACTED]
C . PO Daniel Boylan	Force: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan used physical force against [REDACTED]	C . § 87(2)(g) [REDACTED]
D . PO Daniel Boylan	Discourtesy: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan spoke discourteously to [REDACTED]	D . § 87(2)(g) [REDACTED]
E . PO Daniel Boylan	Discourtesy: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan spoke discourteously to [REDACTED]	E . § 87(2)(g) [REDACTED]
F . PO Shahzeb Ahmed	Discourtesy: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Shahzeb Ahmed spoke discourteously to [REDACTED]	F . § 87(2)(g) [REDACTED]
G . PO Wilfredo Burgos	Discourtesy: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Wilfredo Burgos spoke discourteously to [REDACTED]	G . § 87(2)(g) [REDACTED]
H . PO Shahzeb Ahmed	Discourtesy: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Shahzeb Ahmed spoke discourteously to [REDACTED]	H . § 87(2)(g) [REDACTED]

Officer(s)	Allegation	Investigator Recommendation
I . PO Daniel Boylan	Abuse of Authority: On April 23, 2022, at Lexington Avenue I . § 87(2)(g) and East 110th Street, Police Officer Daniel Boylan improperly used his body-worn camera.	§ 87(2)(g)
J . PO Shahzeb Ahmed	Abuse of Authority: On April 23, 2022, at Lexington Avenue J . § 87(2)(g) and East 110th Street, Police Officer Shahzeb Ahmed improperly used his body-worn camera.	§ 87(2)(g)
K . PO Daniel Boylan	Abuse of Authority: On October 19, 2022, at 100 Centre Street, Police Officer Daniel Boylan provided a false official statement against § 87(4-b) § 87(2)(g)	K . § 87(2)(g)
§ 87(4-b) § 87(2)(g)		

Case Summary

On November 1, 2022, [REDACTED], an attorney with the Legal Aid Society, filed this complaint with the CCRB via email, on behalf of [REDACTED].

On April 23, 2022, at approximately 11:30 PM, at the southeast corner of Lexington Avenue and East 110th Street in Manhattan, Police Officer Daniel Boylan, of Patrol Borough Manhattan North Specialized Units, stopped and frisked [REDACTED] (Allegations A and B: Abuse of Authority – § 87(2)(g)). PO Boylan used physical force against [REDACTED] (Allegation C: Force – § 87(2)(g)). PO Boylan spoke discourteously to [REDACTED] (Allegation D: Discourtesy – § 87(2)(g)) and Allegation E: Discourtesy – § 87(2)(g)). Police Officers Shahzeb Ahmed and Wilfredo Burgos, also of Patrol Borough Manhattan North Specialized Units, spoke discourteously to [REDACTED] (Allegations F and G: Discourtesy – § 87(2)(g)) and Allegation H: Discourtesy – § 87(2)(g)). PO Boylan and PO Ahmed improperly used their body-worn cameras (Allegations I and J: Abuse of Authority – § 87(2)(g)). [REDACTED] was arrested for criminal possession of a weapon in the second degree (Board Review 01).

On October 19, 2022, at the New York County Supreme Court located at 100 Centre Street in Manhattan, PO Boylan provided a false official statement against [REDACTED] (Allegation K: Abuse of Authority – § 87(2)(g)).

§ 87(4-b) § 87(2)(g)

Three body-worn camera (BWC) videos were received in relation to this incident (Board Reviews 02-05). [REDACTED] provided three surveillance videos of the incident (Board Reviews 21, 30, 31).

No civilian provided a statement to the investigation. An investigation was conducted based on the available evidence (Board Reviews 14-15).

Findings and Recommendations

Allegation (A) Abuse of Authority: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan stopped [REDACTED].

Allegation (B) Abuse of Authority: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan frisked [REDACTED].

In her email to the CCRB, [REDACTED] alleged that PO Boylan unlawfully frisked [REDACTED] (Board Review 09).

PO Boylan's BWC footage from 00:00 of the video player's running time captures PO Boylan inside the rear passenger's side seat of a vehicle (Board Review 04). The vehicle is parked on the southwest corner of Lexington Avenue and East 110th Street. POs Burgos and Ahmed are sitting in the front driver and passenger seats, respectively, and are looking out of the driver's side window toward the southeast corner. The southeast corner is well lit by storefront lighting, but glare from the light obscures the corner. Five single file vehicles drive past the driver's side of the police vehicle before PO Burgos, at 00:14, turns left, crosses over Lexington Avenue and stops in front of the southeast corner of Lexington Avenue and East 110th Street. PO Boylan exits the vehicle and approaches [REDACTED] who is standing with two others. [REDACTED] is standing angled slightly towards PO Boylan, with his left shoulder pointed towards PO Boylan. [REDACTED] is wearing a black Adidas fanny pack strapped across his chest, from his left shoulder to his right hip. [REDACTED] does not move from his position. There is no discernable bulge or outline on [REDACTED] fanny pack. At 00:39, PO Boylan reaches out with his left hand and grips [REDACTED]'s fanny pack

towards the bottom left, near the zipper. [REDACTED] takes a step back and grabs his fanny pack briefly with one hand. PO Boylan grabs [REDACTED] fanny pack with his right hand. PO Boylan then presses his right thumb up and down the center of the fanny pack for about five seconds and [REDACTED] grabs his fanny pack a second time. At 00:52, PO Boylan unzips the fanny pack, re-zips it, and handcuffs [REDACTED].

PO Ahmed's BWC footage from 00:52 captures PO Boylan opening the fanny pack (**Board Review 03**). PO Boylan does not enter the fanny pack or handle the firearm at all. At 00:54, a part of a pistol is visible inside of the fanny pack, at the location where PO Boylan initially grabbed with his left hand (**Board Reviews 34 and 35**). At 01:21, PO Boylan opens the fanny pack again after [REDACTED] is handcuffed and the firearm is once again captured. The "butt" of the firearm is shown to be the part of the pistol captured earlier, by the zipper opening and the firearm is angled like the number "7" such that the handle runs horizontally across the fanny pack and the barrel (not captured) runs vertically towards the ground (**Board Reviews 36 and 37**).

Surveillance footage (no audio) from the Gourmet Deli on Lexington Avenue and East 110th Street at 00:30 captures the officers' vehicle approaching the intersection of Lexington Avenue and East 110th Street on Lexington Avenue and stopping, seemingly at a red light (**Board Review 21**). From 00:53, the footage captures [REDACTED] approaching the well-lit corner along with two other individuals – one male with glasses in a red hoodie riding a bike with a backpack on his back, and one female wearing a white hoodie. There is a vehicle in the lane between the officers' vehicle and [REDACTED]'s group, slightly in front of the officers' vehicle. The three reach the corner at 00:56. The officers' vehicle drives through the intersection and out of frame at 01:04. The group are speaking with each other, but [REDACTED] is facing and looking across toward the west side of Lexington Avenue, and not towards the members of the group. It is unclear what, if anything, he is looking at. The group of three remain in the same location until about 01:40, when PO Boylan approaches them (not captured in frame, but the actions of the group are consistent with 00:30 of PO Boylan's BWC – see **Board Review 04**). A still image from the surveillance footage captures [REDACTED] and his group (**Board Review 32**). Other surveillance footage (no audio) from the Gourmet Deli on Lexington Avenue and East 110th Street at 00:00 captures the location of the officers' vehicle (**Board Review 30**). The officers' vehicle was about 50 feet away from [REDACTED]'s location (**Board Review 38**).

PO Boylan testified that he was patrolling the vicinity of Lexington Avenue and East 110th Street in Manhattan due to an earlier ShotSpotter activation (**Board Review 10**). PO Boylan could not recall the exact circumstances of the activation other than that shell casings were found. He was traveling southbound along Lexington Avenue in the backseat of a vehicle driven by PO Burgos when he noticed a group of three individuals traveling westbound on East 110th Street. One of the individuals, known to the investigation as [REDACTED], repeatedly looked left and right "with his head on a swivel" and was not looking at his friends while talking to them, which PO Boylan believed to be suspicious. The officers stopped the vehicle and observed the group in a well-lit area for about 10 seconds across Lexington Avenue, with no obstructions between the group and the officers. PO Boylan observed an L-shaped outline in a fanny pack that [REDACTED] was wearing across his chest. PO Boylan could not recall the exact details of the outline and could not recall whether one side was longer than the other, nor could he recall the general dimensions of the outline. During his CCRB interview, PO Boylan created an illustration of his observation of the L-shaped outline, in which he described the L-shaped outline to be angled such that it was a checkmark (**Board Review 33**). Nothing else stood out to PO Boylan about the fanny pack other than the L-shaped outline. PO Boylan believed the L-shaped outline to be a firearm because the shape was consistent with a firearm. Based off the observation of the L-shaped outline and [REDACTED]'s demeanor in looking left and right, PO Boylan made the decision to approach [REDACTED].

PO Burgos conducted a U-turn, such that the passenger side of the vehicle faced [REDACTED]'s group. After the U-turn, PO Boylan could still see the L-shaped outline. PO Boylan exited the vehicle and walked towards [REDACTED]. [REDACTED] was turned away from PO Boylan as he approached such that his left shoulder faced PO Boylan. From his angle, PO Boylan more prominently saw an object with two-points that created a rectangular protrusion upwards through the fanny pack on [REDACTED]'s lefthand side, inconsistent with the surface of the bag. PO Boylan indicated that in his illustration, in which he circled the top left side of "checkmark," which was the end of the shorter side. PO Boylan believed that the rectangular object that he saw was part of the overall L-shape that he initially observed, though he could no longer see the L-shape because he was at a different angle than from his initial observation. PO Boylan still suspected the rectangular protrusion to be a firearm due to the sum total of his observations, specifically the initial L-shaped outline, the rectangular bulge that was an extension of it, and [REDACTED]'s demeanor. As PO Boylan approached [REDACTED], [REDACTED] remained angled away from PO Boylan and PO Boylan more prominently saw a rectangular object protruding from the bag. PO Boylan asked [REDACTED] what [REDACTED] had in the bag, and [REDACTED] replied something along the lines of "nothing." During the conversation, [REDACTED] did not turn towards PO Boylan, which PO Boylan believed was an intentional act so that he would be unable to see the outline of what was in the bag. Since PO Boylan believed that the item in the fanny pack was a firearm and due to [REDACTED]'s statements and actions, PO Boylan frisked the outline in the bag by grabbing the bulge that he initially saw. PO Boylan felt a hard object that he believed to be the handle of a firearm, which he based on his earlier observations and daily experience in handling firearms. As soon as PO Boylan grabbed the bulge, [REDACTED] grabbed the bag with two hands and tried to pull it away from PO Boylan. PO Boylan then grabbed the bag with two hands and held it in order to gain control of it, as he knew there was a firearm in it. The two remained in that position for a few seconds, until PO Ahmed exited the vehicle and approached the group, at which point [REDACTED] let go of the bag. PO Boylan unzipped the bag and saw that the handle of a firearm was almost exactly where he earlier frisked the bag. PO Boylan then placed [REDACTED] in handcuffs without incident. PO Boylan's CCRB testimony was generally consistent with the testimony that he provided during the suppression hearing of [REDACTED]'s firearm (**Board Review 12**).

PO Ahmed's CCRB testimony was generally consistent with PO Boylan's (**Board Review 11**). PO Ahmed testified that the ShotSpotter activation occurred about two hours prior to them encountering [REDACTED]. [REDACTED]'s fanny pack was made of a thin material, tightly strapped to his chest, and weighted such that the fanny pack did not move around when [REDACTED] moved. PO Ahmed also observed an L-shaped object in [REDACTED]'s fanny pack, though PO Ahmed described the orientation of the L-shaped object as "└," meaning the shorter side of the "L" created the protrusion at the top of the fanny pack and the longer side of the "L" laid horizontally inside of the fanny pack, pushing outwards against the fanny pack. PO Ahmed's CCRB testimony was inconsistent with the testimony he provided during the suppression hearing of [REDACTED]'s firearm, in which he solely described observations of a "rectangular object" (**Board Review 13** – see responses on page 18 line 11, page 19 line 18, page 21 line 12, page 24 line 25, page 25 line 16). PO Ahmed stated that the inconsistency was due to improper questioning by the Assistant District Attorney, who failed to directly question him about his observations regarding the shape of the bulging object. PO Ahmed further stated that the rectangular object he described was part of the overall L-shape that he observed. PO Ahmed's CCRB testimony was consistent however, with that which he documented in the stop and frisk report. In the Stop Report for this incident, PO Ahmed reported that [REDACTED] "was observed with a heavy weighed down fanny pack with an L-shaped outline on the fanny pack," and that "Officer Boylan was able to frisk the fanny and recovered a firearm" (**Board Review 16**). PO Ahmed's memo book contained an entry almost identical to the narrative provided in the Stop Report (**Board Review 17**).

PO Ahmed vouchered a pistol as arrest evidence in relation to this incident (**Board Review 39**).

In People v. De Bour, 40 N.Y.2d 210, the Court established that when an officer has reasonable suspicion that a particular person has committed, is committing, or is about to commit a crime, the officer may forcibly stop and detain that person. Furthermore, if an officer reasonably suspects that he is in danger of physical injury by virtue of the detainee being armed, they have the authority to frisk the detainee (**Board Review 18**).

In People v. Kennebrew, 106 A.D.3d 1107 the Court affirmed that innocuous behavior alone will not generate reasonable suspicion that a crime is at hand. The Court further affirmed that an unidentifiable bulge which is readily susceptible of an innocent as well as a guilty explanation is not sufficient to justify a pat-down search and opined that, as an individual has the right to refuse to answer an officer's questions, the fact that an individual does not answer does not justify a further intrusion (**Board Review 20**).

In People v. Cornelius, 113 A.D.2d 666, the Court found that a defendant's response of "nothing" was equivalent to his right not to respond at all. (**Board Review 19**).

PO Boylan and PO Ahmed observed [REDACTED] in a well-lit area at night from a distance of about 50 feet for approximately 20 seconds prior to approaching [REDACTED]. Their view, initially across one lane of moving traffic, was obstructed periodically by passing cars. During this time, both officers testified to have observed an L-shaped outline in [REDACTED]'s fanny pack. Although officer testimony was consistent on the existence of an L-shaped outline in [REDACTED]'s fanny pack, officer testimony was inconsistent on the orientation of the L-shape. Furthermore, once they each exited their car, PO Ahmed and PO Boylan approached from different angles and stated that, as they approached, they no longer saw the L-shaped outline that they initially saw and instead saw a rectangular protrusion, based on the change in their angle. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Other than the L-shaped outline, PO Boylan testified that [REDACTED] kept looking left-and-right, away from his group and that [REDACTED] did not turn to face PO Boylan when he approached. PO Boylan's testimony in that regard was supported by video evidence. PO Boylan testified that [REDACTED]'s behavior factored into his decision to stop [REDACTED]. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Between PO Boylan's stop of [REDACTED] and his frisk of [REDACTED]'s fanny pack, [REDACTED] did not turn towards PO Boylan and per PO Boylan's testimony, responded "nothing" to PO Boylan's question of what was in [REDACTED]'s bag. PO Boylan did not testify towards commanding [REDACTED] to turn towards him, only that [REDACTED] not voluntarily turning

towards PO Boylan was an act that PO Boylan believed to be intentional. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation (C) Force: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan used physical force against [REDACTED].

Allegation (D) Discourtesy: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan spoke discourteously to [REDACTED].

Allegation (E) Discourtesy: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan spoke discourteously to [REDACTED].

Allegation (F) Discourtesy: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Shahzeb Ahmed spoke discourteously to [REDACTED].

Allegation (G) Discourtesy: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Wilfredo Burgos spoke discourteously to [REDACTED].

Allegation (H) Discourtesy: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Shahzeb Ahmed spoke discourteously to [REDACTED].

[REDACTED] did not allege that PO Boylan, PO Ahmed, or PO Burgos spoke discourteously to [REDACTED] (**Board Review 09**); however, PO Boylan's BWC footage captures all three cursing at [REDACTED] (**Board Review 04**). At 02:24 of PO Boylan's BWC footage, PO Boylan places his BWC on the window pointing towards [REDACTED] after [REDACTED] is placed in the rear seat of the NYPD vehicle. PO Burgos is in the driver's seat, PO Ahmed is in the front passenger's seat, PO Boylan is in the rear driver's-side seat, and [REDACTED] is in the rear passenger's-side seat. [REDACTED] yells and curses at the officers for about a minute, calling the officers faggots, niggers, and bitches among other things, then repeatedly says "Hey Siri, call mommy." PO Boylan tells [REDACTED] that if he continues to try to do that, that PO Boylan will have to remove [REDACTED]'s Apple watch. [REDACTED] says, "mommy, I'm in the cop car." PO Ahmed says, "take that phone away" as PO Boylan reaches for [REDACTED]. [REDACTED] moves away from PO Boylan and tells PO Boylan to stop touching him. An Apple AirPods is in [REDACTED]'s right ear. PO Boylan reaches behind [REDACTED] and [REDACTED] stands up in his seat and moves around, while saying that the officers are not getting his Apple watch. PO Boylan reaches around [REDACTED] for [REDACTED]'s right ear. [REDACTED] dodges PO Boylan's hand, then pushes his own body into PO Boylan's. PO Boylan pushes [REDACTED] back and asks [REDACTED] if he tried to headbutt him. PO Burgos then repeatedly asks [REDACTED] if he tried to headbutt PO Boylan. PO Boylan tells [REDACTED] that he needs to relax. [REDACTED] tells PO Boylan that he took his AirPods and PO Boylan tells [REDACTED] "Shut the fuck up. How about that? Shut the fuck up" (04:17). [REDACTED] tells PO Boylan to relax, and PO Boylan says, "you're a tough guy, right? Fucking tough guy" (04:23). As PO Ahmed opens the rear passenger's side door to remove [REDACTED], he says, "you fucking relax," (see 04:24 in PO Ahmed's BWC – **Board Review 03**) and PO Burgos says, "stop your shit" (see 04:11 in PO Burgos' BWC – **Board Review 05**) as he walks around the rear of the vehicle toward PO Ahmed and [REDACTED], who are standing outside the vehicle on the passenger's side. PO Ahmed is heard in the background speaking with [REDACTED]. [REDACTED] tells PO Ahmed that he is not tough, and calls PO Ahmed a faggot. PO Ahmed says, "yeah and you're really tough huh? You 17-year-old piece of shit" (see 04:32 in PO Ahmed's BWC – **Board Review 03**). PO Ahmed then walks [REDACTED] into the stationhouse.

PO Boylan testified that [REDACTED] was cursing at the officers throughout the drive to the stationhouse (**Board Review 10**). [REDACTED] repeatedly said, “Hey Siri, call mom,” and, at some point, PO Boylan realized that [REDACTED] had an AirPods in and had successfully called his mother. PO Boylan reached around [REDACTED] to get the AirPods out of his ear and [REDACTED] attempted to headbutt PO Boylan. PO Boylan could not recall whether [REDACTED] made contact with him with the headbutt. PO Boylan grabbed [REDACTED] and pushed him against the wall of the vehicle so that he could not headbutt again. While PO Boylan held [REDACTED] against the wall of the vehicle, [REDACTED] continued to yell at the officers. PO Boylan told [REDACTED] to “shut the fuck up,” in order to be authoritative, as [REDACTED] just tried to attack PO Boylan. PO Boylan acknowledged that he called [REDACTED] a “fucking tough guy” and stated that he did so because [REDACTED] was “acting like he was a tough guy,” because [REDACTED] was cursing at the officers, and because [REDACTED] attempted to headbutt PO Boylan.

PO Ahmed’s testimony regarding the circumstances preceding the discourtesies was consistent with PO Boylan’s (**Board Review 11**). PO Ahmed acknowledged that he told [REDACTED] to “fucking relax,” and stated that he did so because [REDACTED] had just headbutted PO Boylan, and because PO Ahmed wanted to be authoritative and have [REDACTED] comply with his commands. While getting [REDACTED] out of the vehicle and to the stationhouse, [REDACTED] cursed at PO Ahmed and PO Ahmed called [REDACTED] a “17-year-old piece of shit.” PO Ahmed was still upset that [REDACTED] had headbutted PO Boylan and was upset that [REDACTED] was acting like that, particularly given he was arrested with a firearm. PO Ahmed wanted [REDACTED] to calm down and PO Ahmed was in a state of shock regarding the circumstances. There were no other reasons why PO Ahmed called [REDACTED] a “17-year-old piece of shit.”

Patrol Guide Procedure 221-01 requires officers to consider the totality of the circumstances in determining whether the use of force is reasonable. The Procedure prohibits any level of force on handcuffed subjects unless necessary to overcome active physical resistance or assault (**Board Review 40**).

Patrol Guide Procedure 221-02 requires that officers apply no more than the reasonable force necessary to gain control and defines active aggression as a threat or overt act of an assault, coupled with the ability to carry out the assault (**Board Review 41**).

Patrol Guide Procedure 200-02 describes the values of the NYPD, among which is that the NYPD pledges to render their services with courtesy and civility (**Board Review 24**).

In DAO DCT 2015-15012, the Commissioner found that discourteous statements are impermissible when serving no legitimate purpose but to belittle (**Board Review 25**).

According to DAO DCT 2013-10143, profanity is permissible where the officer has resorted to such language in the heat of a highly dangerous situation, and that the traditional rules of etiquette cannot be applied to stressful enforcement situations (**Board Review 26**).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

Allegation (I) Abuse of Authority: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Daniel Boylan improperly used his body-worn camera.

Allegation (J) Abuse of Authority: On April 23, 2022, at Lexington Avenue and East 110th Street, Police Officer Shahzeb Ahmed improperly used his body-worn camera.

A viewing of PO Boylan's BWC buffer footage that captures the minute prior to his BWC activation shows that the officers were in their vehicle looking toward [REDACTED] for at least 20 seconds prior to approaching him, and that PO Boylan activated his body-worn camera only after he frisked [REDACTED], opened his fanny pack, and found the firearm, but before he handcuffed him (**Board Review 04**). Similarly, a viewing of PO Ahmed's BWC footage shows that PO Ahmed did not activate his body-worn camera until PO Boylan found the firearm (**Board Review 03**).

PO Boylan acknowledged that he did not activate his BWC until [REDACTED] was in handcuffs (**Board Review 10**). PO Boylan stated that he activated his camera at that point because "that's just how it happened to be," and that he was focused on the possible firearm and his own safety. PO Boylan acknowledged that he approached [REDACTED] with the intent to further investigate a possible crime and conceded that the policy at the time was that an officer must activate their BWC when approaching anyone suspected of criminal activity.

PO Ahmed acknowledged that he did not activate his BWC until [REDACTED] was in handcuffs (**Board Review 11**). PO Ahmed was focused on the rest of [REDACTED]'s group and the suspected firearm in [REDACTED]'s possession and did not realize that he did not activate his BWC earlier. PO Ahmed activated his BWC once he realized that it was not on.

Patrol Guide Procedure 212-123 mandates officers to activate BWC prior to engaging in or assisting with interactions with persons suspected of criminal activity and all levels of investigative encounters (specifically requests for information, street questioning, and street stops, as defined by the Patrol Guide). It carves out an exigency for officers to activate the BWC as soon as it is feasible and safe to do so, after taking necessary police action to preserve human health and safety (**Board Review 27**).

§ 87(2)(g)

§ 87(2)(g)

Allegation (K) Abuse of Authority: On October 19, 2022, at 100 Centre Street, Police Officer Daniel Boylan provided a false official statement against [REDACTED].

[REDACTED] alleged that PO Boylan provided a false official statement on October 19, 2022, during the suppression hearing as to the circumstances leading up to [REDACTED]'s arrest (**Board Review 09**). [REDACTED] noted that a review of the testimony and evidence led to the Court finding that PO Boylan was not credible.

[REDACTED] provided the investigation with a transcript of the suppression hearing (**Board Review 23**). Consistent with [REDACTED]'s allegation, the Court found PO Boylan to be not credible; however, the Court's reasoning for that finding was not due to PO Boylan providing false testimony, but rather due to "his demeanor on the stand, his evasiveness and apparent unwillingness to answer some of counsel's questions on cross examination, particularly those questions involving his credibility itself [...] particularly questions involving his prior experiences with the Civilian Complaint Review Board" as well as his consistent failure to prepare memo book entries and properly activate his BWC (see page 93, line 8 to page 94, line 2).

PO Boylan testified that he disagreed with the Court's assessment regarding his credibility (**Board Review 10**). During the suppression hearing, PO Boylan was asked about past unrelated cases that he did not recall. In one instance, he was provided an incorrect location, which was why he did not remember the incident and was unable to fully answer the questions. In another, he recalled going to the CCRB but did not recall the particulars of the arrest. He tried to be cooperative by asking for information about the incidents, so that he could refresh his memory.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which [REDACTED] has been a party (**Board Review 06**).
- PO Boylan has been a member of service for seven years and has been a subject in seven other CCRB complaints and 15 other allegations, of which six were substantiated.:
 - 201703894 involved substantiated allegations of threat of force, discourtesy, and offensive language against PO Boylan. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
 - 201801900 involved substantiated allegations of stop and frisk. The Board recommended Command Discipline B and the NYPD imposed Instructions.
 - 202001304 involved a substantiated allegation of force. The Board recommended Command Discipline A and the NYPD imposed no discipline.
- PO Ahmed has been a member of service for five years and has been a subject in two other CCRB complaints and five other allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]
- PO Burgos has been a member of service for 10 years and has been a subject in five other CCRB complaints and five other allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of June 14, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (**Board Review 07**).
- §§ 86(1)(3)&(4) § 87(2)(c) [REDACTED]
[REDACTED]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: _____ 1 _____

Investigator:	_____ Inv. Adip Vora Signature	_____ Inv. Adip Vora Print Title & Name	_____ 07/24/2023 Date
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Squad Leader:	_____ Mgr. Joy Almeyda Signature	_____ Print Title & Name	_____ 07.24.2023 Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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